

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48561 of 2023

Arising Out of PS. Case No.-376 Year-2022 Thana- KONCH District- Gaya

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Santosh Kumar S/O Sunil Yadav @ Sunil Kumar R/O Village- Khaira, Ps.
Konch, Dist. Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Saxena, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 379, 411 and 353 of the Indian Penal Code and Section 4(1 A)/21 mm (DR) Act, 1957, Section 11/18 BM (CPI MTS) Rule 2021 and 15 FEB Act, 1956 pending in the learned court below.

3. As per the prosecution case, one tractor loaded with 100 CFT sand was seized and nobody produced valid challan with regard to loaded sand, which was caused loss in the Government Reserve to Rs.31,000/-.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that the petitioner is the owner of the said tractor. He submits that the name of the petitioner surfaced in the instant case by the statement of one driver of Mahindra Tractor who disclosed before the police that the owner of the Mahindra



Tractor was also involved in the said occurrence. He further submits that petitioner has deposited loss amount of Rs. 31,000/- before the office of District Mines, Gaya bearing receipt no.2767 dated 27.09.2022 against the seized tractor bearing no. BR 02GB 8219 arising out of Konch P.S. Case no. 376 of 2022. He further submits that petitioner has got two criminal antecedents as stated in para-3 of the bail application.

5. Learned APP for the State opposes for prayer for bail.

6. Considering the aforesaid facts and circumstances and the fact that petitioner has already deposited the fine amount in the Mines Department, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Konch P.S. Case No.376/2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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